

# **HERNSTADT ATLAS PLLC**

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January 13, 2023

**Via ECF**

Hon. Jennifer L. Rochon  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**Re: Forrest v New York City Housing Authority, et al.;  
Case No. 1:22-cv-06480 (JLR)**

Dear Judge Rochon:

We represent Plaintiff Tracy L. Forrest in the above-referenced action.

We write on behalf of all parties to the litigation to inform the Court that Defendants have consented to Plaintiff's filing a Second Amended Complaint, which we will do today, attaching a redline showing the changes to the Amended Complaint (ECF No. 18) as an exhibit per the Court's Rules.

In accordance with Your Honor's suggestion at the December 15, 2022, preliminary conference, rather than Defendants filing a new motion to dismiss Plaintiff's retaliation claims ("Motion to Dismiss") as a result of the filing of the Second Amended Complaint, the parties respectfully propose the following:

1. Defendants may by no later than January 20, 2023, file a letter-brief of no more than five pages regarding the impact, if any, of the new allegations in the Second Amended Complaint on their Motion to Dismiss, which is presently fully briefed and before Your Honor (*see* ECF Nos. 22-24, 27-28);
2. Plaintiff may file an opposition letter-brief of no more than five pages by or before January 27, 2023; and
3. Defendants may file a reply letter-brief, if any, of no more than five pages by or before February 3, 2023.

The parties respectfully request that the Court so order the letter-briefing schedule described above.

The parties further stipulate that, in light of the proposed arrangement above, Defendants' presently pending Motion to Dismiss shall constitute a responsive pleading to the Second Amended Complaint, and Defendants may file their answer to the Second Amended Complaint within 14 days of the Courts' decision on the Motion to Dismiss, in accordance with Federal Rule of Civil Procedure 12(a)(4).

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Please do not hesitate to contact the parties in the event the Court wishes to discuss this matter further.

Respectfully submitted,



Edward Hernstadt

cc: All counsel of record (via ECF)

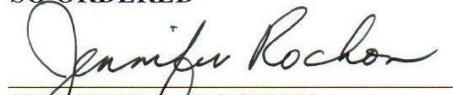
Request **GRANTED** in part. The Court will permit the parties to submit briefing on the motion to dismiss regarding the Second Amended Complaint. In order to consolidate briefing papers and ensure all arguments and citations accurately reflect the operative pleading, however, the parties shall refile their motion papers rather than filing supplemental letter-briefs.

Accordingly, the Court will **DENY** the motion to dismiss as moot. Defendants shall file their motion to dismiss the Second Amended Complaint by **January 20, 2023**. Plaintiff shall file their opposition by **January 27, 2023**. Defendants shall file any reply by **February 3, 2023**.

The Clerk of Court is respectfully directed to terminate ECF No. 22.

Dated: January 17, 2023  
New York, New York

SO ORDERED



JENNIFER L. ROCHON  
United States District Judge